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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,661

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Akihiro Miyazaki

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7590

11/19/2008

WENDEROTH, LIND & PONACK, L.L.P.

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SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2419

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,661	<b>Applicant(s)</b> MIYAZAKI ET AL.	
	<b>Examiner</b> Steven HD Nguyen	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 79-86 is/are pending in the application.
- 4a) Of the above claim(s) 53-57, 63-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 79-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/2008</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 79-86 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5 and 14 of U.S. Patent No. 6914903 in view of MacCrisken (USP 4730348).

As claims 79 and 83, The claims of patent discloses all limitations of the presented claims excepting for setting information relating to the uncompressed packet as an initial value of the update information; and subsequently updating the update information to include information relating to a specific compressed packet every time transmission data of the specific compressed packet is restored, wherein the specific compressed packet includes the update information. In the same field of endeavor, MacCrisken discloses setting information relating to the uncompressed packet as an initial value of the update information (Col. 18, lines 19-55,

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receiving data packet for setting a decompression table using this information); subsequently updating the update information to include information relating to a specific compressed packet every time transmission data of the specific compressed packet is restored, wherein the specific compressed packet which includes the update information, transmitted at a predetermined time or number of compressed packets (Col. 9, lines 49-55, receiving data packet includes an updated compression, setting a decompression table using this information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for setting the system for decompressing and updating the compression table as disclosed by MacCriskin into the patent. The motivation would have been to improve an adaptive compression method and system.

As claims 80-82 and 84-86, The patent claims do not disclose the use of header for conveying updated information at predetermined of number packets or period. However, these steps are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to apply these steps into the patent claim in order to improve an adaptive compression method and system.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 79 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy (US 5648773) in view of MacCriskin (US 4730348).

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As claims 79 and 83, Guy discloses data reception method for receiving, from a transmitting end, data in packet units, each packet unit containing transmission data, the packet units being received at a receiving end, said data receiving method comprising receiving an uncompressed packet in which predetermined transmission data is stored as uncompressed data (Fig 1, Col. 1, lines 34-50 and Col. 4, lines 5-10, receiving a packet includes parameters); subsequently and continuously receiving compressed packets in which at least a portion of transmission data, following the predetermined transmission data, is compressed and stored as compressed data (Fig 1, Receiver 20 will decompress the compressed packets and storing the data); restoring transmission data from a compressed packet to be restored, the transmission data being restored based on update information relating to a packet received prior to the compressed packet to be restored and based on compressed data included in the received compressed packet to be restored (Fig 1, Receiver 20 decompresses the received compressed packet based on previous packet which belong to the negotiated phase); setting information relating to the uncompressed packet as an initial value of the update information (Col. 4, lines 5-10, the parameters are used to initialization the receiver and transmitter). However, Guy fails to disclose subsequently updating the update information to include information relating to a specific compressed packet every time transmission data of the specific compressed packet is restored, wherein the specific compressed packet includes the update information. In the same field of endeavor, MacCricken discloses subsequently updating the update information to include information relating to a specific compressed packet every time transmission data of the specific compressed packet is restored, wherein the specific compressed packet includes the update

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information (Col. 9, lines 49-55, receiving data packet includes an updated compression, setting a decompression table using this information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for setting the system for decompressing and updating the compression table as disclosed by MacCriskin into Guys's system and method. The motivation would have been to improve an adaptive compression method and system.

5. Claims 80 and 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Guy and MacCriskin as applied to claims 79 and 83 above, and further in view of Fink (US 6373986).

Guy and MacCriskin fail to disclose the claimed invention. In the same field of endeavor, Fink discloses a header of packet used to convey updated data (F2A, S18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using header for conveying data as disclosed by Fink into MacCriskin and Guys's system and method. The motivation would have been to improve an adaptive compression method and system

6. Claims 81-82 and 85-86 rejected under 35 U.S.C. 103(a) as being unpatentable over Guy and MacCriskin as applied to claims 79 and 83 above, and further in view of Kiriyaama.

MacCriskin and Guys fail to disclose receiving the specific compressed packet at a predetermined interval and every time a predetermined number of compressed packets are received. In the same field of endeavor, Kiriyaama teaches to receiving compressed packet at a predetermined interval and predetermined number of compressed packets (column 1, line 19-29).

It would have been obvious to one ordinary skill in the art at the time of invention was made to add functionality of receiving packets at predetermined regular interval and

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predetermined number of packets from Kiriya to the system of MacCracken and Guy in order to enhance accuracy in transmission.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571)272-3159. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuesday, November 18, 2008

/Steven HD Nguyen/  
Primary Examiner, Art Unit 2419